

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Mark T. Unga

Serial No.: 10/044,354

Filed: January 10, 2002

For: DISC SHAPED FILTER

Docket No.: 1001.1516101

Examiner: Truong, Kevin Thao

Group Art Unit: 3731

Confirmation No.: 8196

Customer No.: 28075

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AMENDMENTMail Stop Amendment
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450CERTIFICATE UNDER 37 C.F.R. 1.06(d): The undersigned hereby certifies that this paper or papers, as described herein, are being facsimile transmitted to the U.S. Patent and Trademark Office, Fax No. 703-872-9306, on this 24 day of November, 2004.

By: _____

JOAnn Lindman

Dear Sir:

This paper is in response to the Office Action mailed August 11, 2004, with a shortened statutory period set to expire on November 11, 2004. This paper is filed within the set period for response such that no extension of time is necessary.

Please consider the following amendments and remarks:

The listing of claims begins on page 2 of this paper.

Remarks/Arguments begin on page 12 of this paper.

Page 1 of 14

PAGE 2/15 * RCVD AT 11/24/2004 3:56:25 PM [Eastern Standard Time] * SVR:USPTO-EFXXF-117 * DNIS:8729306 * CSID:6123599349 * DURATION (mm:ss):03:52



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Application No. 10/044,354
Reply to Office Action dated August 11, 2004

modified, then the teachings of the references are not sufficient to render the claims *prima facie* obvious," citing *In re Ratti*, 123 USPQ 349 (CCPA 1959). Applicant submits that substituting the filter of Dieck et al. for the blood-impermeable membrane of Epstein et al. would change the principle of operation of the device taught by Epstein et al., by changing the occlusion device into a filtration device. The principles of operation of the Epstein et al. and Dieck et al. devices are completely opposite, thus modifying the occlusion device to have a filter would render the occlusion device unsuitable for its intended purpose. Applicant submits that there is no motivation, either in Epstein et al., Dieck et al., or reasoned from knowledge generally available to one of ordinary skill in the art, for one to substitute the occlusion membrane of Epstein et al. with the filter of Dieck et al. As such, the only motivation for combining the teachings of Epstein et al. and Dieck et al. appears to come from the instant specification, which is improper. Applicant respectfully requests withdrawal of the rejection.

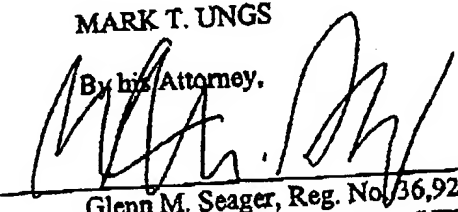
Reexamination and reconsideration are requested. It is respectfully submitted that all pending claims are now in condition for allowance. Issuance of a Notice of Allowance in due course is also respectfully requested. If a telephone conference might be of assistance, please contact the undersigned attorney at (612) 677-9050.

Respectfully submitted,

MARK T. UNGS

By his Attorney,

Date: Nov. 24, 2004


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